

Remarks

Referring to the office action mailed July 7, 2003, applicant has carefully studied the examiner's rejections and has responded accordingly.

35 U.S.C. § 103 (a) Rejection

Claims 1, 3, 5-7, 9-16, 18, 20, and 22-34 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fontana 6,123,982. Applicant hereby traverses the Examiner's rejection with regard to claims 1, 3, 5-7, 9-16, 18, 20, and 22-34. With regard to independent claims 1, 3, 7, 9, 18, 20, 25 and 27, Fontana neither teaches nor suggests using aloe vera to change the character of the textile fiber or yarn. See column 4, lines 4-7, and 37-48; and column 5 lines 4-7. In Fontana, changing the character of the textile fiber or yarn includes using a water soluble polymer to bond the yarn in the tension stretched, reduced cross section condition until brought into contact with saliva, which dissolves the polymer bond, allowing the return of the yarn to pretension stretched cross section dimensions to better fill the tight interdental space of the user. See column 2, lines 6-9 and lines 34-44, and column 3 lines 12-16 and lines 59-67; and column 4 lines 1-3. The binding of the yarn in the tension stretched condition is an impermanent condition that ends upon exposure to saliva. See column 2, lines 6-9. The yarn returns to its relaxed pre-tension stretched condition after exposure to saliva. See column 2, lines 6-9; and column 3, lines 8-19. Therefore, the water-soluble polymer is only temporarily bound to the yarn. See column 2, lines 6-9.

Fontana teaches that medicants or flavorants are an optional ingredient that can be added or excluded without changing the character of the textile fiber or yarn. See column 2 lines 45-47 and column 4 lines 47-53. The saliva also dissolves whatever medicant and/or flavorants additives included in the water-soluble polymer. See column 2, lines 6-9 and lines 34-53;

column 4, lines 40-55. Fontana does not teach, suggest or disclose the effect of inclusion of aloe vera in the water-soluble polymer on the binding of the yarn in the tension stretched condition. See column 2, lines 45-54; column 4, lines 24-54. Likewise, Fontana does not suggest or teach the effect on the yarn of exclusion of aloe vera from the yarn binding water-soluble polymer. See column 2, lines 6-9 and lines 34-44, and column 3 lines 12-16 and lines 59-67; and column 4 lines 1-3. The binding of the yarn is the same regardless of the inclusion of medicants such as fluoride, sensitizing agents, antitartar agents, antiplaque agents, antibacterials, herbs, antifungal agents, antiprotozoan agents, antiseptics and coagulants. See column 2, lines 45-54 and column 4, lines 31-39. But, Fontana does teach that aloe vera performs one of the listed medicant functions for the user, such as fluoride, sensitizing agents, antitartar agents, antiplaque agents, antibacterials, herbs, antifungal agents, antiprotozoan agents, antiseptics and coagulants. See column 2, lines 45-54 and column 4, lines 31-39. Fontana does not teach or suggest that the listed medicant functions, such as fluoride, sensitizing agents, antitartar agents, antiplaque agents, antibacterials, herbs, antifungal agents, antiprotozoan agents, antiseptics and coagulants contribute to the binding of the yarn into the tension stretched condition. See column 2, lines 45-54 and column 4, lines 31-39.

These medicant functions have an obvious beneficial effect upon the user. See column 2, lines 45-54 and column 4, lines 31-39. Similarly, flavorants like eucalyptus, peppermint, wintergreen, spearmint, tee tree oil, sage oil, licorice, cinnamon and fruit flavors such as orange and lemon, and herbal flavors are not incorporated into the yarn to facilitate binding in the tension stretched condition, but to impart some effect upon the user. See column 2, lines 49-50 and column 4, lines 26-31. In fact, Fontana teaches against using aloe vera to change the character of the textile fiber or yarn. See column 2, lines 45-54; column 4, lines 24-54. In

Fontana, the polymers are used to bind the fibers in place to prevent fraying or to bind the filaments together in the tension stretched condition. See column 2 lines 17-24 and lines 27 and 28; column 3, lines 59-67; and column 4 lines 1-3. The medicants are simply being carried within the yarn to the ultimate user. See column 2, lines 6-9. Saliva frees the medicants from the yarn to be applied to whatever part of the user that the yarn touches. See column 2, lines 6-9. The yarn is only a carrier. See column 2, lines 6-9. The medicants change the character of whatever part of the user that the yarn touches. Applicant's method of impregnating yarn with the Aloe Vera solution changes the permanent character of the textile fiber or yarn and does not intend the aloe to be transferred to the user.

Independent claims 1, 2, 3, 4, 7, 8, 9, 11, 17, 18, 19, 20, 21, 25, 27, 35 have been amended for clarity. Applicant traverses the rejection of Claims 5, 6, 10, 13-16, 22, 24, and 28-34 as they are dependent on amended claims 1, 3, 7, 8, 9, 11, 18, 20, 25 and 27 and therefore the rejection of claims 5, 6, 10, 13-16, 22, 24, and 28-34 are now moot.

35 U.S.C. § 102 (b) Rejection

Claims 2, 4, 8, 17, 19, 21 and 34 are rejected under 35 U.S.C. § 102 (b) as being unpatentable over Fontana 6,123,982. Applicant hereby traverses the Examiner's rejection with regard to claims 2, 4, 8, 17, 19, 21 and 34. With regard to independent claims 2, 4, 8, 17, 19 and 21, Fontana neither teaches nor suggests using aloe vera to change the character of the textile fiber or yarn. See column 4, lines 4-7, and 37-48; and column 5 lines 4-7. Using a water soluble polymer to bond the yarn in the tension stretched, reduced cross section condition until brought into contact with saliva, which dissolves the polymer bond, allowing the return of the yarn to pretension stretched cross section dimensions to better fill the tight interdental space of the user is the change of character of the yarn taught and suggested in Fontana. See column 2, lines 6-9

and lines 34-44, and column 3 lines 12-16 and lines 59-67; and column 4 lines 1-3. Again, the binding of the yarn in the tension stretched condition is an impermanent condition that ends upon exposure to saliva. See column 2, lines 6-9. After exposure to saliva, the yarn returns to its relaxed pre-tension stretched condition. See column 2, lines 6-9; and column 3, lines 8-19. Therefore, the water-soluble polymer is only temporarily bound to the yarn. See column 2, lines 6-9.

Fontana teaches that medicants or flavorants are an optional ingredient that can be added or excluded without changing the character of the textile fiber or yarn. See column 2 lines 45-47 and column 4 lines 47-53. The saliva also dissolves whatever medicant and/or flavorants additives included in the water-soluble polymer. See column 2, lines 6-9 and lines 34-53; column 4, lines 40-55. Indeed, Fontana does not teach, suggest or disclose the effect of inclusion of aloe vera in the water-soluble polymer on the binding of the yarn in the tension stretched condition. See column 2, lines 45-54; column 4, lines 24-54. Likewise, Fontana does not suggest or teach the effect on the yarn of exclusion of aloe vera from the yarn binding water-soluble polymer. See column 2, lines 6-9 and lines 34-44, and column 3 lines 12-16 and lines 59-67; and column 4 lines 1-3. The binding of the yarn is the same regardless of the inclusion of medicants such as fluoride, sensitizing agents, antitartar agents, antiplaque agents, antibacterials, herbs, antifungal agents, antiprotozoan agents, antiseptics and coagulants. See column 2, lines 45-54 and column 4, lines 31-39. But, Fontana does teach that aloe vera performs one of the listed medicant functions for the user, such as fluoride, sensitizing agents, antitartar agents, antiplaque agents, antibacterials, herbs, antifungal agents, antiprotozoan agents, antiseptics and coagulants. See column 2, lines 45-54 and column 4, lines 31-39. Fontana does not teach or suggest that the listed medicant functions, such as fluoride, sensitizing agents, antitartar agents,

antiplaque agents, antibacterials, herbs, antifungal agents, antiprotozoan agents, antiseptics and coagulants contribute to the binding of the yarn into the tension stretched condition. See column 2, lines 45-54 and column 4, lines 31-39.

These medicant functions have an obvious beneficial effect upon the user. See column 2, lines 45-54 and column 4, lines 31-39. Similarly, flavorants like eucalyptus, peppermint, wintergreen, spearmint, tee tree oil, sage oil, licorice, cinnamon and fruit flavors such as orange and lemon, and herbal flavors are not incorporated into the yarn to facilitate binding in the tension stretched condition, but to impart some effect upon the user. See column 2, lines 49-50 and column 4, lines 26-31. In fact, Fontana teaches against using aloe vera to change the character of the textile fiber or yarn. See column 2, lines 45-54; column 4, lines 24-54. In Fontana, the polymers are used to bind the fibers in place to prevent fraying or to bind the filaments together in the tension stretched condition. See column 2 lines 17-24 and lines 27 and 28; column 3, lines 59-67; and column 4 lines 1-3. The medicants are simply being carried within the yarn to the ultimate user. See column 2, lines 6-9. Saliva frees the medicants from the yarn to be applied to whatever part of the user that the yarn touches. See column 2, lines 6-9. The yarn is only a carrier. See column 2, lines 6-9. The medicants change the character of whatever part of the user that the yarn touches. Applicant's method of impregnating yarn with the Aloe Vera solution changes the permanent character of the textile fiber or yarn and does not intend the aloe to be transferred to the user.


Independent claims 2, 8, 17, 19, 21 have been amended for clarity.

Applicant respectfully notes that claim 35 was rejected but the office action does not specify a reason for the rejection.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Date: September 24, 2003

respectfully submitted,

A handwritten signature in black ink, reading "Brett Halperin". The signature is written in a cursive style with a large, stylized "B" and a long, sweeping underline.

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